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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,530	01/17/2001	Robert Berliner	169-274	6423

167 7590 06/10/2004

FULBRIGHT AND JAWORSKI L L P
PATENT DOCKETING 29TH FLOOR
865 SOUTH FIGUEROA STREET
LOS ANGELES, CA 900172576

EXAMINER

HO, THOMAS Y

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 06/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/764,530

Applicant(s)

BERLINER, ROBERT

Examiner

Thomas Y Ho

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NW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-8,10,11 and 13-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-8,10,11 and 13-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

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DETAILED ACTION

Status of Claims

Claims 1, 3-8, 10-11, and 13-17 are pending. Claims 2, 9, 12, and 18 are withdrawn or cancelled.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/16/04 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-8, 10-11, and 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koprowski, Gene. Wall Street Journal. (Eastern edition). New York, N.Y.: Dec.7, 1998. pg. R.10 (referred to as Koprowski), in view of Messer US5991740.

As to claim 1, Koprowski discloses, a method of doing business on the world wide web, comprising: providing information on a web site about the repair of various devices wherein a user can click on displayed graphics representing a replaceable part of a device, said graphics being in the form of a photograph or other illustration depicting the device, depicting one or

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more parts thereof, and depicting the relationship of said one or more parts to the device (pg.3; paragraphs 6-8), wherein a user can click on a displayed part (the part is a link).

The difference between the claim and Koprowski is the claim recites, wherein when clicking on a displayed part, information about a part selected by the user is made available to the user, said information comprising: a) one or more manufacturers or other vendors of the pad, and/or (b) one or more part numbers of the selected pad; and deriving revenue from making one or more of said items of information available by one or more of the following activities: (a) direct sale of one or more replacement parts to the user, (b) obtaining referral fees or commissions from a manufacturer or other vendor of the one or more of the parts, or (c) gathering consumer information from the user's activities on the web site. Although Koprowski discloses the method of ordering parts using the schematic drawing, Koprowski never specifically discloses how the part is purchased, or how lifefitness.com generates revenues from the sale of these parts. Although it is believed that these undisclosed concepts were old and well known at the time the Applicant's invention was made, further evidence is now provided.

Messer discloses a web site for ordering items similar to that of Koprowski, wherein the banner (a graphic) is analogous to the part in Koprowski because both are links to order items. In addition, Messer further teaches, wherein when clicking on a displayed part, information about a part selected by the user is made available to the user, said information comprising: a) one or more manufacturers or other vendors of the part, and/or (b) one or more part numbers of the selected part; and deriving revenue from making one or more of said items of information available by one or more of the following activities: (a) direct sale of one or more replacement parts to the user, (b) obtaining referral fees or commissions from a manufacturer or other vendor

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of the one or more of the parts, or (c) gathering consumer information from the user's activities on the web site. It would have been obvious to one of ordinary skill in the art, having the disclosures of Koprowski and Messer before him at the time the invention was made, to modify the web site of Koprowski to link to a manufacturer and relevant information, as well as derive revenue, as in Messer, to obtain a way to provide information of goods and services and generate revenue (this is believed to be inherent in Koprowski, but Messer supports the fact that this is old and well known in the art). One would have been motivated to make such a combination because the ability to generate revenue would have been achieved, as taught by Messer.

As to claim 3, Messer teaches, wherein the information made available to the user is one or more manufacturers or vendors of the part or parts (col.2, ln.29-34).

As to claim 4, Messer teaches, wherein the user can obtain information about the part by clicking one of the manufacturers or vendors.

As to claim 5, Messer teaches, wherein the user is directed to a web site of the manufacturer or vendor.

As to claim 6, Messer teaches, wherein the web site of the manufacturer or vendor is its site home page.

As to claim 7, Messer teaches, wherein the web site of the manufacturer or vendor is a site page on which information on the part is displayed.

As to claim 8, Messer teaches, wherein the web site of the manufacturer or vendor is a site page specifically set up to receive referrals from another web site and to compensate the owner of the referring web site.

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As to claim 10, Messer teaches, wherein the user can purchase the part needing replacement by clicking one of the manufacturers or vendors whereby the user is directed to an order page.

As to claim 11, Koprowski discloses, an internet web site, comprising: a plurality of web site pages providing information about the repair of various devices wherein a user can click on displayed graphics representing a replaceable part of a device, said graphics being in the form of a photograph or other illustration depicting the device, depicting one or more parts thereof, and depicting the relationship of said one or more parts to the device.

Messer teaches, wherein when clicking on a displayed part (the banner in Messer is a graphic link, which is analogous to the "part" in Koprowski, which is also a purchasing link on the lifefitness.com website), information about a part selected by the user is made available to the user, said information comprising: a) one or more manufacturers or other vendors of the part, and/or (b) one or more part numbers of the selected part, and clickable regions on one or more web site pages enabling revenue to be derived from making one or more of said items of information available by one or more of the following activities: (a) direct sale of one or more replacement parts to the user, (b) obtaining referral fees or commissions from a manufacturer or other vendor of the one or more of the pads, or (c) gathering consumer information from the user's activities on the web site.

As to claim 13, Messer teaches, wherein the information made available to the user is one or more manufacturers or vendors of the part or parts enabling the user to obtain information about the part needing replacement by clicking one of the manufacturers or vendors.

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As to claim 14, Messer teaches, wherein the user is directed to a web site of the manufacturer or vendor.

As to claim 15, Messer teaches, wherein the web site of the manufacturer or vendor is its site home page.

As to claim 16, Messer teaches, wherein the web site of the manufacturer or vendor is a site page on which information on the part is displayed.

As to claim 17, Messer teaches, wherein the web site of the manufacturer or vendor is a site page specifically set up to receive referrals from another web site and to compensate the owner of the referring web site.

Response to Arguments

Applicant's arguments with respect to claims 1, 3-8, 10-11, and 13-17 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. US5216612 to Cornett discloses a computer database having hierarchical systems showing parts on a device in relation to one another (see Figures 10A-10D) for ease of identification and replacement.
2. US6247047 to Wolff discloses a method and apparatus for facilitating computer network transactions.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Y Ho whose telephone number is (703)305-4556. The examiner can normally be reached on M-F 10:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J Swann can be reached on (703)306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TYH


ROBERT J. SANDY
PRIMARY EXAMINER